

under Section 1.420(i) of the Rules, which authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment.

2. Two factors must be demonstrated in order to change a station's city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." See, Modification of FM and TV Authorizations (New Community of License), 4 FCC Rcd 4870 [66 RR 2d 877] (1989). Atlantic's proposal is consistent with the rules and Commission policies, i.e., the channel changes are mutually exclusive, and the rule making will not deprive Mullins of its only local transmission service.

Expression of Continuing Interest

3. If the Commission allots Channel 296C2 to Briarcliffe Acres, Atlantic will promptly file an application for minor change construction permit or new license, as directed by the Commission to operate WWSK at Briarcliffe Acres, and upon grant, will promptly make whatever changes are necessary to implement this change.

4. Exhibit 1 is a Technical Exhibit, which is incorporated herein by reference,

that provides the Commission with technical information about the proposed Mullins/Briarcliffe Acres channel exchange.

Mullins, South Carolina

Exhibit 1 shows that Mullins, South Carolina, had a 1990 population of 5,910. Mullins has two commercial broadcast stations, WJAY(AM) and WWSK(FM). Reallotment of Channel 296C2 to Briarcliffe Acres will not deprive Mullins of its only local transmission service since WJAY(AM) will continue to provide service to that community.

Briarcliffe Acres, South Carolina

5. Briarcliffe Acres is listed by the U.S. Census as an incorporated community in Horry County with a 1990 population of 552 persons (See Exhibit 1 at p. 1.) Briarcliffe Acres would be well served by its own local station. Attached hereto as Exhibit 2 is a letter from Edgar Dyer, Esquire, Town Attorney for Briarcliffe Acres, written on behalf of the Mayor and Town Council. Mr. Dyer states that even though Briarcliffe Acres does not allow commercial activities within its corporate limits, the Town is very supportive of Atlantic's desire to name Briarcliffe Acres as its community of license. Mr. Dyer indicates that Briarcliffe Acres has its own police chief, town council and mayor. The town has defined boundaries and provides services to its citizens, including police protection, solid waste disposal and fire protection by contract. Therefore, Briarcliffe Acres possesses the requisite "social, economic and cultural components that are commonly associated with community

status." See, FM Table of Allotments (Semora, NC), 5 FCC Rcd 934 (1990); FM Table of Allotments (Beech Maintain, NC), 6 FCC Rcd 5835 (Chief, Allocations Branch (1991). WWSK would bring first local service to Briarcliffe Acres, since Briarcliffe Acres currently does not have a local station assigned to it. Briarcliffe Acres is not located in an Urbanized Area.

Public Interest Considerations

6. The allocation coordinates specified in this proposal are those of the present WWSK transmitter site, **North Latitude 33° 56' 14" and West Longitude 78° 57' 53"**. As demonstrated in Exhibit 1, the allocation coordinates specified will meet all spacing requirements to existing or proposed facilities as required by §73.207 of the Commission's rules. Atlantic does not intend to relocate the transmitter site of WWSK. The Technical Exhibit shows that Briarcliffe Acres would receive city grade service from WWSK.

7. Since no site relocation is anticipated, there will be no loss of service to any area and service to Mullins will not be reduced. Because Mullins will continue to receive local service from WJAY(AM), Atlantic's proposal will not deprive Mullins of its only local transmission service.

8. The Commission's priorities for assigning FM allotments are set out in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 [51 RR 2d 807] (1982). They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities

(2) and (3). Here, first local service to Briarcliffe Acres is preferred to second local service to Mullins. Thus, there would a preferential arrangement of allotments resulting from the allotment of Channel 296C2 to Briarcliffe Acres.

WHEREFORE, Atlantic respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

South Carolina

	<u>Present</u>	<u>Proposed</u>
Mullins	296C2	---- ¹
Briarcliffe Acres	----	296C2

Conclusion

Atlantic requests the Commission to (a) delete Channel 296C2 from Mullins, South Carolina, (b) allot Channel 296C2 to Briarcliffe Acres, South Carolina, and (c) modify the license of WWSK to operate on FM Channel 296C2 at Briarcliffe Acres, South Carolina. As stated supra, if the FCC modifies the license of WWSK to operate on Channel 296C2 at Briarcliffe Acres, Atlantic will timely file an application for minor change construction permit or new license as directed by the Commission to operate WWSK at Briarcliffe Acres, and upon grant thereof, Atlantic will make whatever changes are necessary to implement this change.

² Mullins would continue to receive service from WJAY(AM).

Respectfully submitted,

ATLANTIC BROADCASTING CO., INC.

By:

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W.

Suite 510

Washington, D.C. 20036

(202) 785-2800

January 16, 1997

WWSK/pn/PETITION RM

EXHIBIT 1

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PROPOSED RULE MAKING
ATLANTIC BROADCASTING COMPANY
WWSK FM RADIO STATION
296C2 - 107.1 MHZ
from: MULLINS, SOUTH CAROLINA
to: BRIARCLIFF ACRES, SOUTH CAROLINA
September 1996**

TECHNICAL EXHIBIT

Copyright 1996

PROPOSED RULE MAKING
ATLANTIC BROADCASTING COMPANY
WWSK FM RADIO STATION
296C2 - 107.1 MHZ
from: MULLINS, SOUTH CAROLINA
to: BRIARCLIFF ACRES, SOUTH CAROLINA
September 1996

This Technical Exhibit is prepared on behalf of Atlantic Broadcasting Company ("Atlantic"), licensee of FM Radio Station WWSK, Mullins, South Carolina.¹ Atlantic proposes to change the city of license for WWSK from Mullins to Briarcliff Acres,, South Carolina.

Briarcliff Acres presently does not have a locally licensed facility and is listed in the U.S. Census as a town in Horry County with a 1990 population of 552 persons. Briarcliff Acres is not located within an Urbanized area. The allotment of Channel 296C2 to Briarcliff Acres is mutually exclusive with Channel 296C2 at Mullins, South Carolina.

Mullins, South Carolina, is an incorporated community in Marion County with a 1990 population of 5,910 persons. Mullins will continue to receive full-time commercial radio service from AM station WJAY. WJAY operates on 1280 kHz, full-time, non-directional with 4.2 kilowatts day and .27 kilowatts night.

The allocation coordinates specified in this proposal are those of the present transmitter location of WWSK, North Latitude 33° 56' 14" and West Longitude 78° 57' 53". Exhibit #1 of this proposal is a computer printout demonstrating the allocation coordinates specified meet all

1) Former licensee of WWSK was "The Mullins and Marion Broadcasting Company".

spacing requirements to existing or proposed facilities as required §73.207 of the Commission's rules. Briarcliff Acres would receive city grade service (70 dBu/3.16 mV/m) from a facility constructed at the above noted reference coordinates.

Since no actual site relocation is required, there will, in reality, be no loss of service to any area and service to Mullins will not be reduced. The allotment of Channel 296C2 will be the first locally licensed aural service in Briarcliff Acres and will be in the public interest. The allotment may be made without depriving Mullins, South Carolina, of licensed full-time aural service.

Exhibit #1 is a computerized printout of the allocation constraints for WWSK on Channel 296C2 from the present WWSK transmitter site. WWSK presently meets all allocation constraints at the operating location. Exhibit #2 is an allocation map demonstrating Briarcliff Acres is fully served by the 3.16 mV/m city grade signal of WWSK and that WWSK is fully spaced under §73.201 of the Commission's rules.

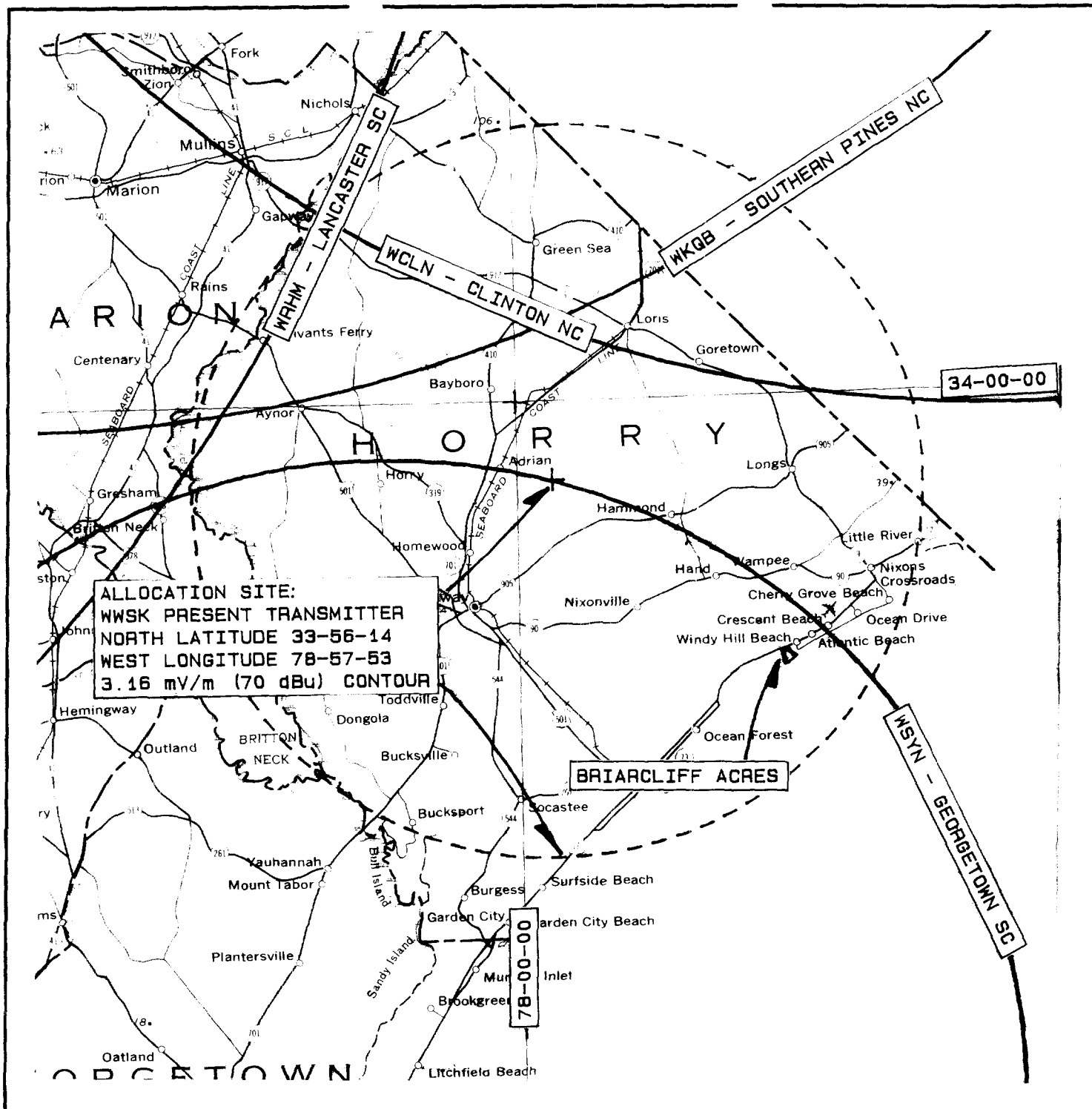
This Technical Exhibit was prepared on behalf of Atlantic Broadcasting Company by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of these comments, we would welcome the opportunity to discuss the matter by phone at 912-638-8028. All data relating to authorized, applied for or proposed facilities was extracted from the NTIA database. We assume no liability for omissions or errors in that database.

**PROPOSED RULE MAKING
ATLANTIC BROADCASTING COMPANY
WWSK FM RADIO STATION
296C2 - 107.1 MHZ
from: MULLINS, SOUTH CAROLINA
to: LITTLE RIVER, SOUTH CAROLINA
September 1995**

**EXHIBIT #1
Allocation Clearance**

REFERENCE		DISPLAY DATES
33 56 14 N	CLASS C2	DATA 08-23-96
78 57 53 W	Current rules spacings	SEARCH 08-29-96
----- CHANNEL 296 -107.1 MHZ -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WWSK	296C2	Mullins	SC	0.0	0.00	190.0	-190.00 *
LI CN	33 56 14	78 57 53	50.000 kW	150M	0.0	118.1	
		Atlantic Broadcasting Company			BLH950601KB		
WSYN	293C2	Georgetown	SC	196.0	57.52	58.0	-0.48 *
LI CN	33 26 20	79 08 11	50.000 kW	150M	35.8	36.0	
		Sunny Broadcasters, Inc.			BLH880726KA		
WCLNFM	297C3	Clinton	NC	19.1	129.31	117.0	12.31
LI CN	35 02 14	78 29 56	13.000 kW	138M	80.4	72.7	
		Christian Listening Network,			BLH940801KE		
WKQB	295C2	Southern Pines	NC	341.0	142.65	130.0	12.65
LI CN	35 09 04	79 28 40	50.000 kW	150M	88.7	80.8	
		Muirfield Broadcasting, Inc.			BLH921028KC		
WRHM	296A	Lancaster	SC	300.3	193.94	166.0	27.94
LI ZCN	34 48 05	80 47 51	3.300 kW	133M	120.5	103.2	
		Our Three Sons			BLH930927KE		
WVSZ	297A	Chesterfield	SC	310.3	135.56	106.0	29.56
LI CN	34 43 12	80 05 45	3.000 kW	100M	84.3	65.9	
		D, D, & D Broadcasters of Che			BLH950201KC		
WSFM	298C2	Southport	NC	82.0	94.08	58.0	36.08
LI CN	34 03 02	77 57 20	32.000 kW	181M	58.5	36.0	
		Sea-Comm, Inc.			BLH890419KC		
WAZZ	243C1	Laurinburg	NC	339.7	65.76	27.0	38.76
LI CN	34 29 34	79 12 50	80.000 kW	230M	40.9	16.8	
		Carolina Media Group, Inc.			BLH861020KI		
>To Channel 243C							
WLGX.C	294A	Carolina Beach	NC	82.0	94.08	55.0	39.08
CP ZCN	34 03 02	77 57 20	5.600 kW	104M	58.5	34.2	
		Kenneth R. Noble II			BMPH950508ID	960114	

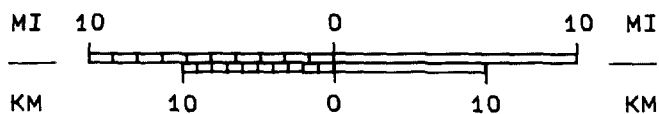


ALLOCATION CLEARANCE MAP

MAP IS A PORTION OF THE USGS 500,000 SCALE
 TOPOGRAPHIC MAP 'SOUTH CAROLINA'

EXHIBIT #2

ATLANTIC BCSTG CO
 WSK FM RADIO STATION
 CHANGE CITY OF LICENSE
 FROM: MULLINS, SC
 TO: BRIARCLIFF ACRES, SC
 SEPTEMBER 1996



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

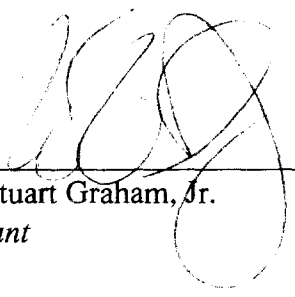
State of Georgia)
St. Simons Island) ss:
County of Glynn)

R. STUART GRAHAM, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Atlantic Broadcasting Company, licensee of Radio Station WWSK, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in Broadcast Engineering since 1972.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 11th day of September, 1996.



R. Stuart Graham, Jr.
Affiant

*Sworn to and subscribed before me
this the 11th day of September, 1996*



Notary Public, State of Georgia
My Commission Expires: *September 12, 1999*

EXHIBIT 2

EDGAR DYER
ATTORNEY AT LAW
118 Citadel Drive
Conway, South Carolina 29526

November 4, 1996

(803) 347-3161 office
(803) 347-3040 home

Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: Town of Briarcliffe Acres, SC

Dear Sir:

I am Town Attorney for the Town of Briarcliffe Acres, South Carolina. Atlantic Broadcasting Company, Inc., licensee of Radio Station WWSK (FM), of Mullins, South Carolina, has asked me to provide this statement.

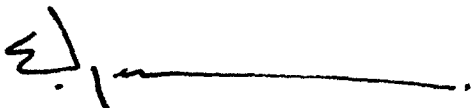
Please be advised that I speak on behalf of the Mayor and Council, as well.

It is our understanding that Atlantic would like to designate Briarcliffe Acres as its town of residence. Even though the Town does not allow commercial activities within the corporate limits of the Town and would not allow Atlantic to physically locate within the Town, the Town is very supportive of Atlantic's desire to name Briarcliffe Acres as its location for purposes of broadcasting.

Briarcliffe Acres is an incorporated town with a 1990 population of 552, with a police chief, town council and mayor. The town has defined boundaries and provides services to its citizens, including police protection, solid waste disposal, and fire protection by contract.

On behalf of the Mayor and Council, I urge the Commission to approve the relocation of WWSK to become Briarcliffe Acres' first local radio station.

Sincerely,

A handwritten signature in black ink, appearing to be "Edgar Dyer", with a long horizontal line extending to the right.

Edgar Dyer